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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,247	03/17/2000	W. Clinton Petty	068223/0147	3220

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05/29/2002

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EXAMINER

MOFIZ, APU M

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,247

Applicant(s)

PETTY, W. CLINTON

Examiner

Apu M Mofiz

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) 4, 9, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DAVID W. HIZRANI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 10-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer (U.S. Patent No. 6,023,722) in view of Bustini et al. (U.S. Patent No. 4,918,687 and Bustini hereinafter).

As to claims ¹⁵1, 6, 10 and 14, Colyer teaches setting a high threshold of a depth of the queue to a first value (see Fig.1, Fig.2, Fig.3; col 4, lines 15-37; col 7, lines 19-31); detecting when the depth of the queue equals or exceeds the high threshold (see Fig.1, Fig.2, Fig.3; col 4, lines 15-37; col 7, lines 19-31).

Colyer does not teach raising the high threshold by a predetermined increment each time the depth of the queue equals or exceeds the high threshold.

Bustini teaches raising the high threshold by a predetermined increment each time the depth of the queue equals or exceeds the high threshold (see Fig.6; col 5, lines 27-40).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Colyer with the teachings of Bustini to include raising the high threshold by a predetermined increment each time the depth of

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the queue equals or exceeds the high threshold with the motivation to improve global performance of the network in term of number of simultaneous established conversations for a given voice quality (Bustini, col 6, lines 43-48).

As to claims 2,7,11 and 15, Colyer teaches starting at least one task for processing one or more messages stored in the queue each time the depth of the queue equals or exceeds the high threshold (col 7, lines 19-31).

As to claims 3,8,12 and 16, Colyer teaches starting at least one task for processing one or more messages stored in the queue each time the depth of the queue equals or exceeds the high threshold if the number of tasks currently processing the messages in the queue is less than a predetermined amount (col 7, lines 19-31).

Allowable Subject Matter

3. Claims 4,9,13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records Colyer (U.S. Patent No. 6,023,722) and Bustini et al.(U.S. Patent No. 4,918,687 and Bustini hereinafter) do not disclose, teach or suggest the claimed limitation of a method for detecting and reacting to changes in depth of one

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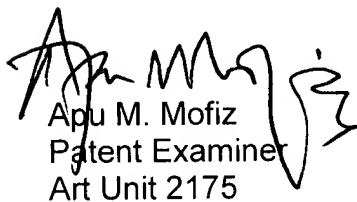
or more queues which store messages processed by tasks executing in a computer system comprising the steps of setting a low threshold of the depth of the queue to a value lower than the value of the high threshold and reducing the value of the high threshold if the depth of the queue is equal to or less than the value of the low threshold as claimed in claim 4. Similar features are claimed in claims 9,13 and 17; therefore, claims 9,13 and 17 are allowable over the prior art of record for the same reasons.


Points of Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (703) 605-4240. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached at (703) 305-3830. The fax numbers for the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Apu M. Mofiz
Patent Examiner
Art Unit 2175


DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
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April 24,2002